

Think First

JEA
press rights
commission

Free expression
through
responsible
journalism

Lakewood Board of Education Policy for Student Expression

As preservers and protectors of democracy, our schools shall protect, encourage and enhance free speech and the positive exchange of ideas as a means of protecting our American Way of Life.

The Lakewood Board of Education shall preserve, encourage and enhance students' rights to free speech.

This policy covers student school sponsored expression in the areas of productions, publications and other expressive activities. These activities shall be viewed as forums for student expression. As such, no expression may be censored solely on the basis of potential controversy. Students involved in such activities shall refrain from the use of libel, obscenity, material disruption of the school process and unwarranted invasion of privacy. Students are protected by and bound to the principles of the First Amendment and other protections and limitations set forth by various court decisions dealing with student expression.

Complete Editorial Policy of the Lakewood Times

As preservers and protectors of democracy, our schools shall protect, encourage and enhance free speech and the positive exchange of ideas as a means of protecting our American Way of Life.

Students are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States.

Accordingly, school officials are responsible for ensuring freedom of expression for all students.

The Times, the official school sponsored newsmagazine of Lakewood High School, in its print and electronic versions,

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has been established as a forum for student expression and as a voice in the uninhibited, free and open discussion of ideas.

The Times provides a full opportunity for student to inquire, question and exchange ideas. Content should reflect all areas of student interest, including topics about which there may be dissent or controversy.

Student journalists have the right to determine the content of official student publications, with the advice and teaching of the adviser. Accordingly, these guidelines relate only to establishing grounds for any disciplinary actions subsequent to publication. The Times, and all its staff, are protected by, and bound to, the principles of the First Amendment, and other protections and limitations as afforded by the Constitution and various court decisions implementing those proposals.

Students, in turn, shall refrain from libel, obscenity, material disruption of the school process and unwarranted invasion of privacy.

These freedoms and responsibilities apply to all articles, letters, photographs, artwork and advertisements which appear in the Times.

The print and electronic versions of the Times will not be reviewed, restrained or withheld from distribution by school administrators prior to distribution, as long as the protections and limitations afforded by the Constitution and various court decisions are followed. In case questions arise over specific copy as defined within these guidelines, the advice of a practicing communications attorney would be sought. The services of the attorney for the Student Press Law Center are recommended.

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The school urges student journalists to recognize with editorial control comes responsibility, including the responsibility to follow professional journalism standards as expressed by the Society of Professional Journalists.

Student journalists should:

Σ determine the content of student publications;

Σ strive to produce a publication based on professional standards of accuracy, objectivity and fair play.

Σ review material to improve sentence structure, grammar, spelling and punctuation;

Σ check and verify all facts and verify accuracy of all quotations;

Σ in the case of editorials and letters to the editor, determine the need for rebuttal comment, and provide space if appropriate.

With this in mind, the Times adviser will serve primarily as a teacher and adviser who chief responsibility is to guide students to an understanding of the nature, function, and law and ethics of a free press and of student publications.

The adviser will not act a censor.

PROHIBITED OR NONPROTECTED MATERIAL (as defined by current case law):

1. Students cannot publish or distribute libelous material. Libelous statements are provably false and unprivileged statements that demonstrate injury to an individual's or business's reputations in the community. If the allegedly libeled party is a "public figure" or "public official" as defined below, then school officials must show that the false statement was published "with actual malice," i.e., that the student journalists knew that the statement was false, or that they published it with reckless disregard for the truth--without trying to verify the truthfulness of the statement.

a. A public official is a person who holds an elected or appointed public office.

b. A public figure either seeks the public's attention

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or is well known because of personal achievements.

c. School employees are public officials or public figures in articles concerning their school-related activities.

d. When an allegedly libelous statement concerns a private individual, school officials must show the false statement was published willfully or negligently, i.e., the student journalist who wrote or published the statement has failed to exercise reasonably prudent care.

e. Under the “fair comment rule” a student is free to express an opinion on a matter of public interest. Specifically, a student may criticize school policy, as well as the actions of officials and other school employees.

2. Students cannot publish or distribute that is “obscene as to minors.” “Minors means any person under 18. Obscene as to minors is defined as material that meets all three of the following requirements:

- a. The average person, applying contemporary standards, would find that the publication, taken as a whole, appeals to a minor’s prurient interest in sex; and
- b. The publication depicts or describes, in a patently offensive way, sexual conduct such as ultimate sexual acts (normal or perverted), masturbation and lewd exhibition of the genitals; and
- c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

3. Students cannot publish or distribute material that will cause a “material and substantial disruption of school activities.”

- a. Disruption is defined as student rioting; unlawful seizures of property; or substantial student participation in a school boycott, sit-in, walk-out, or other related form of activity. Material such as racial, religious or ethnic slurs, however distasteful, are not in and of themselves disruptive under these guidelines. Threats of violence are not materially disruptive without some act in furtherance of that threat or a reasonable belief and expectations that the author of the threat has the capability and intent of carrying through on that threat in a fashion not permitting acts other than suppression of speech to mitigate the threat in a timely manner. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.
- b. For a publication to be considered disruptive,

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facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption to school activity would occur if the material were distributed or has occurred as a result of the material's distribution. Mere undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to affirmatively show substantial facts that reasonably support a forecast of likely disruption.

c. In determining whether a student publication is disruptive, consideration must be given to the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar material, past experience in the school in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.

d. School officials must protect advocates of unpopular viewpoints.

e. "School activity" means educational student activity sponsored by the school and includes, by way of example and not by way of limitation, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, schools plays and scheduled in-school lunch periods. Since each state has its own, and different, invasion of privacy statutes, the Times will abide by the current interpretation of Ohio's privacy laws.

PROTECTED SPEECH (as defined by current press law):

Based on the principles of the Society of Professional Journalists, students will be free to:

- a. Report controversial, "fringe," or minority opinions; topics that could be distasteful, unpopular or unpleasant;
- b. Publish or distribute material relating to sexual issues including, but not limited to, virginity, birth control and sexually transmitted diseases, including AIDS;

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c. Criticize the policies, practices or performances of teachers, school officials, the school itself or of any public officials.

Additionally, school officials will not arbitrarily:

- a. Cut off funds to official student publications because of disagreement over editorial policy;
- b. Ban the publication or distribution of material written by nonstudents;
- c. Prohibit the school newspaper from accepting ads;
- d. Prohibit the endorsement of candidates for student office or for public office at any level.

The Times adviser is also to keep the Times editorial board and staff up to date on the latest legal and professional standards.

The Times editorial board as a whole will be responsible for determining editorial opinions which are the opinion of a majority of the editorial board. A single member of the Times will not be held responsible for editorial content or decisions.

The Times adviser will sit in on editorial board meetings, but will not have a vote in decision making. Opinions expressed in the Times are those of the Times editorial board, if unsigned, and do not necessarily reflect the view of either the adviser or the administration.

Since administrators and adviser do not prior review or restrain the Times or its editorial board, they do not bear any responsibility for content of the Times. Signed opinions are the responsibility of, and reflect the opinions of those who sign them.

Since the Times is a forum for student expression, any student may become a member of the Times staff, with or without prior journalism experience or enrollment in journalism classes.

Mistakes of fact made in the Times will be acknowledged and corrected at the direction of the Times editorial board. Being a forum for student expression, the Times will publish all letters to the editor, provided they bear the name of the author and after they have been checked

A black circle containing the text "Think First" in white, with the "1" in "First" being yellow.

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for verification. We will publish letters using name withheld only if the Times editor knows the name of the author. We reserve the right to return a letter to its author for more information if it contains unprotected speech or is so grammatically or factually flawed to be incorrect.

The Times will also print, at its discretion, guest columns of personal opinion from student, faculty, administrator, staff or general public. Guest columns will be subject to the same criteria as letters to the editor. The Times will not run, under any circumstances, unsigned letters or columns.

Deadlines for letters, guest columns and ads will be approximately two weeks prior to publication. Advertising is constitutionally protected expression.

Times editorial board members may accept, or refuse, advertising so long as the decision is viewpoint neutral.

The Times will not accept advertising for products using unprotected speech or illegal for students.

Photos published in the Times will not be altered electronically or mechanically except as necessary in professionally accepted darkroom and cropping procedures.

Photos that are manipulated for illustration purposes will be clearly labeled "photo illustrations."

All content, including text, pictures and graphics shall not violate federal and state copyright law. Use of any material copyrighted by others shall only be used according to copyright laws in place at that time, or within the parameters of fair use.

These guidelines will be included in the Student Rights and Responsibilities Handbook and be available in the Times office.



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